

11/00689/FUL

RESIDENTIAL DEVELOPMENT (CLASS C3) OF 101 DWELLINGS COMPRISING 10 No. TWO BEDROOMED APARTMENTS, 20 No. TWO-BEDROOMED HOUSES, 44 No. THREE-BEDROOMED HOUSES, 13 No. FOUR-BEDROOMED HOUSES AND 14 No. FIVE-BEDROOMED HOUSES, ASSOCIATED INFRASTRUCTURE , PUBLIC OPEN SPACE AND VEHICULAR AND PEDESTRIAN ACCESS ROUTES.

AT FORMER E-ON SITE, 190 LONDON ROAD, RAYLEIGH.

APPLICATION No. 11/00689/FUL

APPLICANT: BELLWAY HOMES (ESSEX) LTD.

ZONING: EXISTING RESIDENTIAL DEVELOPMENT

PARISH: RAYLEIGH TOWN COUNCIL

WARD: SWEYNE PARK

1 PLANNING APPLICATION DETAILS

- 1.1 The application was originally submitted on 22 December 2011 for a residential development (Class C3) of 103 dwellings comprising 10 no. two-bedroomed apartments, 21 no. two-bedroomed houses, 45 no. three-bedroomed houses, 13 no. four-bedroomed houses and 14 no. five-bedroomed houses, associated infrastructure, public open space and vehicular and pedestrian access routes. This application was the subject of the consultation and notification with neighbouring properties reported below.
- 1.2 The original application was accompanied by a number of supporting statements including a viability appraisal concluding that 25% of the units proposed would be affordable housing.
- 1.3 The application attracted objection from the County Council's urban design officer who was unable to support the application in the originally submitted form. District officers and the County Council's urban design team have been in discussion with the applicants to resolve those objections. The application was revised on 2 May 2012 and is the subject of a re-notification with neighbours and a select consultation with consultees affected by the changes. The application was again revised on 18 May to correct the garden areas to some plots to meet the Council's adopted standards. This minor revision has not required further consultation or neighbour notification.
- 1.4 The application now for consideration has reduced the number of dwellings by one affordable and one private house to a total of 101 dwellings, comprising 20 no. two-bedroomed houses, 44 no. three-bedroomed houses, 13 no. four-bedroomed houses, 14 no. five-bedroomed houses and 10 no. two-

bedroomed apartments. This composition includes twenty five affordable homes comprising 5 no. two-bedroomed houses, 10 no. three-bedroomed houses and 10 no. two-bedroomed apartments.

- 1.5 The layout would utilise the existing access point of the site onto London Road, but reducing the width to a domestic size with a carriageway of 5.5m width between 2m wide pedestrian pavements. The access road would reduce down to a shared surface in a looped arrangement with extension to the northern part of the site and with private drives leading from the main access road.
- 1.6 The layout would retain the verge along the front of London Road with an access drive in parallel to give frontage development of detached housing onto London Road. The development into the depth behind the London Road frontage would front a square of open space with private drives to the eastern side of the site.
- 1.7 The access road loop would form a centrally developed area onto which housing would front both sides. The rear of the site would be accessed from an extension of the loop road. The water course crossing the north eastern corner of the site would segregate this part of the site with vehicular access for 13 dwellings from a separate access from Cheapside West. The road access would not link London Road with Cheapside West. However, the water course would feature a pedestrian and cycle bridge. Two pedestrian and cycle links would be established to the western boundary at the back of the site giving connectivity potential to future re-development of land that may be released to the immediate west of the site.
- 1.8 The overall built form would essentially comprise two storey buildings but with two and a half storey (rooms in the roof space house types) featuring the southern part of the site near London Road.
- 1.9 The 25 No. affordable dwellings would be provided in a single area to the north east corner of the site between the site boundary and water course.
- 1.10 The layout shows the provision of courtyard parking or parking with garages to plots, together with visitor spaces adjoining the street. For those plots without garages a typical garden shed is shown 2.4m x 1.8m to provide cycle storage.
- 1.11 The application layout, as revised, results in the loss of 1 No. three-bedroomed house for private sale and 1 No. two-bedroomed house from the affordable housing.
- 1.12 The application follows prior discussions between the applicants and District and County Council Highway and Urban Design officers.

THE SITE

- 1.13 The application site is on the northern side of London Road opposite the junctions with Ronald Drive and Leonard Drive. The site is broadly rectangular in shape and to an area of 3.34ha (8.2 acres). On the site existed a part two storey and part three storey flat roofed building more recently used as a customer call centre, but has also previously been used as offices and depot for the local electricity provider. The building was located to the western side of the middle part of the site but the remainder of the site is extensively covered in hard standing areas used for car parking and vehicle plant and equipment storage. The building is currently being demolished.
- 1.14 The rear part of the site includes a telecommunications mast and a group of portacabins where a nursery school has operated since 1994. It is understood that a church has also made dual use of these portacabins for weekly meetings and other church activities. This part of the site is accessed from Cheapside West.
- 1.15 The area between the telecommunications mast and the portacabins is divided by a water course that flows northwards and connects to a drainage pond area immediately to the east of the site boundary off Boston Avenue. The water course is culverted in part of the site with a hard standing area over it. The remainder of the water course is open.
- 1.16 The site has a significant change in level sloping down hill from the street level of London Road northwards through the site.
- 1.17 The site frontage has a group of trees to the west of the existing access comprising cherry, field maple, Maple and ash set within a verge area and the subject of Tree Preservation Order 11/11. The order also includes two individual ash trees and one field maple located in the verge and car park area to the east of the site access. The order also includes one field maple, two oak trees and three ash trees located at the rear western boundary of the site, a further two ash trees along the banks of the open water course and three oak trees in a line on part of the hard surface area close to the pond off Boston Avenue to the eastern part of the site. Works have, however, been agreed to fell three oaks and three ash trees and replace with ten new trees.
- 1.18 A number of trees are also preserved on land adjoining the site now forming the Gunn Close development and on land to the north and west of the site.
- 1.19 The site is adjoined to the west by the more recent Gunn Close development of 14 No. houses. Beyond this adjoining the depth of the application site are the grounds of the Timber Grove care home, which extend alongside the middle part of the site, together with open land in other ownership. The care home site and part of this adjoining land were the subject of an application for a replacement care home and 43 dwellings refused permission on 5 March 2012 under application reference 11/00492/FUL.

- 1.20 To the east is established housing and flats accessed from Boston Avenue and Cheapside West. Immediately to the north of the site is a site with permission for a development of four houses on which a technical start has been made..
- 1.21 An easement has to be excluded from the developable area of the layout along part of the western boundary of the site with the back gardens to properties fronting Gunn Close and serving an electricity sub station. This easement area contains underground cables and services and has to be excluded from being contained within garden areas or built form.
- 1.22 Members held an accompanied site visit on 7 January 2012.

2 RELEVANT PLANNING HISTORY

- 2.1 Application No. RAY/170/73 – The layout of the land as an industrial estate – Superseded 07.05.01
- 2.2 Application No. RAY/346/73 – Comprehensive development comprising of new district offices and depot for E.E.B. at Persons Farm, Rayleigh (Between London Road and Cheapside West) – Granted 28.03.1973.
- 2.3 Application No. RAY/346/73/1 – New district offices and depot for EEB, amenity area and SW lagoon and residential development – Granted.
- 2.4 Application No. RAY/346/73/2 – Residential Development providing 66 houses and 54 flats at Pearsons Farm, Between London Road and Cheapside West (details) – Granted 03.09.1975.
- 2.5 Application No. ROC/315/77 – Erect three pre-cast garages to rear of offices at Rayleigh Electricity Substation, Rawreth, Wickford – Granted 11.05.1977.
- 2.6 Application No. ROC/556/79 – Add two timber huts required for storage in connection with Sports and Social Club, e.g., chairs, tables, sports equipment, empty barrels, etc. – Withdrawn 25.01.1980.
- 2.7 Application No. ROC/809/81 – Erect a radio aerial to roof – Granted 06.01.1982.
- 2.8 Application No. ROC/781/82 – Erect a games room extension to club house – Granted – 05.01.1983.
- 2.9 Application No. ROC/076/86 – Modification to existing office and store building to provide 2 storey offices and new stairway enclosure – Granted 21.03.1986.
- 2.10 Application No. ROC/125/86 – Erect games room extension to club house – Granted 21.03.1986.

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- 2.11 Application No. ROC/406/87 – Erect store room to rear of club house – Granted 27.06.1987.
- 2.12 Application No. ROC/634/89 – Temporary building for use as reporting centre – Granted 08.09.1989.
- 2.13 Application No. ROC/981/89 - Erect storm porch to front and a boundary security fence – Granted 03.05.1990.
- 2.14 Application No. ROC/301/90/AD – Internally illuminated logo sign and fascia sign – Granted 30.01.1990.
- 2.15 Application No. ROC/069/91 - Erect security fence (1.5m high around front car park and 2.5m high to other boundaries) – Refused 20.03.1991.
- 2.16 Application No. ROC/729/91 – Conservatory extension to provide conference and function room to front of building on the existing first floor roof – Granted 11.12.1991.
- 2.17 Application No. AD/0386/92/ROC – Illumination of existing fascia panel sign – Granted 06.08.1992.
- 2.18 Application No. CU/0143/93/ROC – Variation of condition on RAY/346/73 to allow change use of part existing stores to office use (ground floor level) and insertion of windows – Granted 02.06.1993.
- 2.19 Application No. ROC/300/93 – Change Use of Existing Stores to Office and Existing Garage to Stores with External Alterations – Granted 12.08.1993
- 2.20 Application No. F/0301/94/ROC – Erect single storey building for use as a 50 place nursery. Granted 7 July 1994.

Condition 5: The premises shall be used as a day nursery and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

REASON: To enable the Local Planning Authority to control the future use of the site in the interests of the amenity of the adjacent residential area.

- 2.21 Application No. 95/00164/FUL - Air conditioning chiller enclosure building and demolition of roof mounted chiller – Approved 25.05.1995.
- 2.22 Application No. 97/00094/DPDP2 - To determine whether prior approval of details of siting and appearance is required for the installation of a 6m high roof mounted telecommunications mast and equipment cabin - Refused 27.03.1997.

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- 2.23 Application No. ROC/515/97 – Erect 25 metre high lattice telecommunications tower (with 16 sector antennae and 6 dish antennae), erect 3 equipment cabins and chain link fence – Granted 12.02.1998.
- 2.24 Application No. 98/00093/FUL - Change of use and alterations to elevations of two storey garage building to form offices. Erect canopy to entrance and associated car parking – Granted 03.07.1998.
- 2.25 Application No. 98/00132/FUL – Installation of two portable buildings for use as offices for a temporary period of 3 years – Granted 03.07.1998.
- 2.26 Application No. 98/00408/FUL - Erect 25m high lattice telecommunications tower (with 16 sector antennae, 6 dish antennae and 3 cross polar antennae). Erect 4 equipment cabins, fenced compound and related works including access (revised application) – Granted 11.02.1999.
- 2.27 Application No. 98/00714/FUL - Provision of 2.4 metre high chain link fence to part of eastern boundary – Granted 20.01.1999.
- 2.28 Application No. 98/00739/FUL - Install two portable buildings for use as offices for a temporary period of three years – Granted 21.07.1999.
- 2.29 Application No. 99/00458/DPDP24 - To determine whether prior approval of details of siting and appearance is required for replacement equipment cabin – Prior approval not required 07.09.1999.
- 2.30 Application No. 00/00259/FUL – Installation of three windows – Granted 22.06.2000.
- 2.31 Application No. 00/00548/DPDP24 - Determination as to whether prior approval of details of siting and appearance is required for the Installation of three additional antennae on existing mast – Prior approval not required 21.08.2000.
- 2.32 Application No. 00/00677/DPDP24 - Determination as to whether prior approval of details of siting and appearance is required for the installation of 3 No. additional antennae on existing mast - Prior approval not required 20.10.2000.
- 2.33 Application No. 00/00752/FUL - Renewal of permission for the siting of 4 (No) mobile office units – Granted 09.01.2001.
- 2.34 Application No. 00/00830/DPDP24 - Determination as to whether prior approval is required for replacement equipment cabinets – Prior approval not required 21.12.2000.
- 2.35 Application No. 01/00420/FUL – Erect 2 two-storey portable buildings (total four) – Granted 21.08.2001.

- 2.36 Application No. 01/00854/FUL – Siting of 3 (No.) temporary office/toilet units – Granted 08.01.2002.
- 2.37 Application No. 01/00868/FUL – Conversion of existing storage area into office accommodation including provision of additional windows – Granted 19.02.2002.
- 2.38 Application No. 02/00118/FUL – Renewal of permission to allow the continued stationing of 4no. portable buildings – Granted 02.04.2002.
- 2.39 Application No. 02/00427/FUL – Construction of additional parking area – Granted 09.07.2002.
- 2.40 Application No. 11/00627/DEMCOM - Application for prior notification of proposed demolition – Prior approval required and refused 15.11.2011.
- 2.41 Application No. 11/00750/DEMCOM - Demolition of Buildings – Prior approval required and refused 05.01.2012.
- 2.42 Application No. 12/00040/DEMCOM - Application for prior notification of proposed demolition of existing building on site – Prior approval is required and approved 24.02.2012.

3 CONSULTATIONS AND REPRESENTATIONS

3.1 **Rayleigh Town Council** - No objection.

3.2 Essex County Council Highways

- 3.2.1 Comment with regard to the application as revised 2 May 2012 - Do not wish to raise an objection to the application subject to the following:-
- A financial contribution of £25,000 towards infrastructural improvements at the bus stops along London Road in the vicinity of the site to provide, where required, enhancements to include improved passenger waiting facilities to existing infrastructure.

3.2.2 And to the following heads of conditions:-

- 1) Prior to the occupation of the development, the road junction shall have been re-modelled with appropriate kerb radii and visibility splay of 4.5m x 120m.
- 2) Any new boundary planting shall be planted a minimum 1m back from the highway boundary.
- 3) Prior to the commencement of the development details of provision of areas within the site and clear of the highway for the purpose of loading and unloading materials, reception and storage of materials.

- 4) Prior to the commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway.
- 5) Prior to the commencement of the development details of a wheel cleaning facility to be provided within the site and for the duration of the construction period.
- 6) Prior to the commencement of the development details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the LPA.
- 7) All independent paths to be a minimum of 2m wide with details of lighting and drainage to be submitted to and approved in writing by the LPA.
- 8) Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and sympathetic to the street lighting scheme.
- 9) All parking spaces shall conform to the EPOA parking standards and each space shall be a minimum of 2.9m wide and 5.5m deep. All single garages shall have internal dimensions of 3m width and 7m depth.
- 10) Prior to the occupation of the development the developer shall be responsible for the provision and implementation of a residential travel information pack to be approved by Essex County Council and to include 10 No. All Essex scratch cards.

3.3 Essex County Council Urban Design Public / Realm

- 3.3.1 Comment with regard to the application as revised 2 May 2012:
- 3.3.2 Now satisfied that the revised scheme addresses our previous concerns and meets relevant design standards. Therefore happy to suggest that approval is recommended with regard to design.
- 3.3.3 The approach into the site is now considered acceptable with trees on one side of the street providing a suitable greening of the street. We are happy with the shared space at the north of the loop, which now has an appropriate balance, meeting both landscape and parking requirements.
- 3.3.4 With regard to linkages with surrounding areas these include a new pedestrian link to the west (on the north side of the stream) and the potential for a new pedestrian link to the east in the vicinity of the stream.
- 3.3.5 We are happy with the stream side space, previously dominated by parking, that has now been re-designed with a much greater landscape emphasis.
- 3.3.6 The revised provision of visitor car parking is now acceptable.

- 3.3.7 The external appearance of the houses and apartments has been improved and are now considered acceptable for the scheme.
- 3.3.8 Understand the negotiated changes to meet the required standards has resulted in a loss of two units.
- 3.3.9 Recommend that conditions are attached for subsequent approval of the landscape scheme and key external building materials (i.e. brick and roof tiles) with samples required as appropriate.
- 3.3.10 Further recommend no development should take place until a satisfactory landscaping scheme has been submitted to and approved by the Local Planning Authority. This should cover hard (e.g., roads and pavements) and soft works (e.g., green spaces and verges).
- 3.3.11 Proposals for the following secondary frontage elevations should be re-submitted and approved showing additional and suitably designed windows/glazing to achieve an appropriate sense of activity, interest and self-policing with regard to adjoining areas of public/communal realm:

Plot	HouseType	Elevation
26	York	Side (NE)
32	York	Side (N)
14	Campbell B	Side (W)
91	Campbell B	Side (E)
97	Campbell B	Side (W)
34	Campbell C	Side (SE)
27	Montrose C	Side (E)
19	Montrose B	Side (E)
23	Montrose A	Side (N)
38&39	Ha65d	Rear & Side (N)
40&41	Ha65b	Side (W) & Rear
55&56	Ha65b	Side (N)
35	Egerton A	Front (bend)

Plot	HouseType	Elevation
15	Egerton C	Side (W)
1	Campbell A	Side ((E)
24	Campbell A	Side (E)
63	Cavendish B	Side (N)
51&52	Ha65a	Side (NE)
47	Ha88b	Side (NE)
46	Ha88a	Side (SW)
62	Ha75a	Side (W)
42&43	Ha65c	Side (N)

3.3.12 Details of all boundary walls, fences and gates adjoining/facing the public realm (streets and spaces), shall be submitted to and agreed by the planning authority prior to construction.

3.3.13 Eaves to all roofs shall be open with exposed rafter feet (rather than boxed) or have sloping soffits.

3.3.14 Details of all facing materials and roofing materials to be used shall be submitted to and approved by the Local Planning Authority prior to construction.

3.4 Essex County Council Specialist Archaeological Advice

3.4.1 Advise that the site is situated in an area traversed by the Roman road running east – west between Rochford and Wickford. Two 3rd and 4th century Roman features were uncovered during excavation work to the north at the Park School site but to date no definite focus for Roman Settlement in the area has been located.

3.4.2 Excavation to the north has also revealed a large high status Anglo-Saxon cemetery with an indication that it was in use from approximately 525 to 600 AD. The location of the settlement associated with the cemetery is also unknown but it is likely to be close to the burial ground. Underlying the Saxon cemetery was a scatter of prehistoric pits and postholes suggesting a period of prehistoric settlement activity dating from early to middle Iron Age.

3.4.3 Important deposits from prehistory are likely to survive in the development area, particularly features associated with the Roman Road and activities

associated with roadside locations. Such deposits are fragile, irreplaceable and liable to disturbance/destruction during development. Understand from the applicant that apart from some areas where contamination is present and the existing building, the restoration works will only entail the reduction in height of the present hardstanding. Therefore recommend full archaeological condition.

- 3.4.4 “Following the demolition and site restoration works, no further development or preliminary groundworks of any kind shall take place until the applicant has secured a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the Local Planning Authority”.

3.5 South East Essex Primary Care Trust

- 3.5.1 Advise that, given the size of the proposed development South East Essex PCT would seek a financial contribution of £67,367 equivalent to £667 per unit for the development/upgrading of primary care facilities in the area as a result of the increased population.

3.6 Environment Agency

- 3.6.1 Further to the information received from the applicant’s consulting engineers on 21 December 2011 and 30 January 2012 , have reviewed the information and remove previous objection. The additional information in combination with the submitted flood risk assessment (FRA) has satisfactorily demonstrated that the site will not increase flood risk on or off the site.
- 3.6.2 Previous concern that the precise nature of the proposed compensatory storage scheme had not been provided and had not been addressed. The design of the proposed alterations to the water course allow compensation to be contained within it. This has been shown to be fully within the site as demonstrated on Drawing No. J661-04.
- 3.6.3 Further confirm satisfactory rates and attenuation values relating to the proposed surface water scheme were provided in the original FRA submission. Apologise for this oversight.
- 3.6.4 Advise the water course is designated a main river so any works within 9m would require prior written flood defence consent from the Environment Agency.

3.7 Essex County Council Schools Organisation and Planning

- 3.7.1 Advise that on this occasion a request for a financial contribution for education will not be made. At Early Years and County Primary level it is clear that there will be sufficient places but at secondary level the position is not so clear. The forecasts show that it is likely that by 2016 there will be 20 surplus places at the Sweyne Park School, which is just enough to serve the development, but it will leave the school full and a deficit of places across Rayleigh. There is

therefore an argument that a contribution should be made. However, the applicants were informed last July, on the basis of the data then available, that a contribution would not be required. In view of this and the borderline position, have decided not to request a contribution.

3.8 Essex and Suffolk Water

- 3.8.1 Advise that Essex and Suffolk water apparatus do not appear affected by the proposed development. Give consent to the development on the condition that a new connection is made onto our company network for each new dwelling.

3.9 Natural England

- 3.9.1 Advise that the proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development.
- 3.9.2 Advise that if the LPA is aware of the possible presence of a protected or biodiversity action plan species on the site a survey should be requested before determining the application.
- 3.9.3 Advise that if the site is on or adjacent to a local wildlife site, e.g., Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR), the Authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site before it determines the application.
- 3.9.4 Advise that the application may provide opportunities to incorporate features into the design that are beneficial to wildlife such as the incorporation of roosting opportunities for bats and the installation of bird nest boxes. The LPA should consider securing measures to enhance the biodiversity of the site from the applicant.

3.10 Rochford District Council Consultant Ecologist

- 3.10.1 The application is accompanied by a phase 1 survey report, a bat survey report and reptile survey report. The reptile survey report recommends that slow worms present should be translocated to an appropriate site with Stow Maries Airfield named, but understand this has been deferred until the spring of 2012.
- 3.10.2 Should planning consent be granted it is recommended that a condition be applied requiring the translocation of reptiles in line with the recommendation in the report and that no development work be permitted in the area of reptile habitat until it is confirmed in writing to the Council that the translocation is complete.

3.11 Rochford District Council Consultant Arboriculturalist

- 3.11.1 Advise on the need for a condition that the arboricultural method statement be adhered to at all times.

3.12 Essex Police Architectural Liaison

- 3.12.1 Do not object to this application but would seek planning conditions relating to security and safety that are not addressed within the application.
- 3.12.2 The Design and Access Statement mentions secure by design as a reference but does not state the development will either seek to achieve or achieve SBD certification. A condition that all housing achieves SBD is supported by PPS1, PPS 3 and the Safer Places Document, which all seek to achieve crime free developments. Crime also has a carbon footprint and implementing SBD requirements will reduce the opportunities for crime and anti-social behaviour to occur. SBD on all housing will ensure uniformity and a minimum level of security across the whole site making the built environment a safer place.

3.13 Sport England

- 3.13.1 No comments to make on the application.

3.14 Anglian Water

- 3.14.1 Advise that Anglian Water has assets within or close to the site that may affect the site layout and asks for an advisory note to the approval notice to the applicant to advise that these assets should be incorporated into the highway or public open space.
- 3.14.2 Advise that foul drainage from this development is in the catchment of Rayleigh West sewage treatment works that at present has available capacity for these flows. Advise further that the sewerage system at present has available capacity.
- 3.14.3 Advise that the preferred method of surface water disposal should be to a sustainable drainage system (SUDS) with the connection to the sewer as the last option. The surface water strategy / flood risk assessment submitted with the application relevant to Anglian Water is acceptable.
- 3.14.4 Recommend the following condition:-
- 3.14.5 “No dwelling shall be occupied until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority”.

3.15 Rochford District Council Head of Environmental Services

3.15.1 Advise that if Members are minded to approve the application the following conditions should be attached to any consent granted:-

- 1) Full Model contaminated land conditions:
- 2) The renewable energy measures for any individual dwelling shall be fully installed and operational prior to the occupation of the dwelling.
- 3) A scheme of measures to control dust during the construction phase of the development shall be submitted to and agreed in writing by the LPA prior to the commencement of the development. The scheme shall then be fully implemented throughout the construction phase of the development.
- 4) Standard informative 16. (Control of nuisances).
- 5) Site waste management informative.
- 6) Advise that the applicant may find it prudent to apply for prior consent under the control of pollution act 1974. It is recommended that the applicant agrees the hours of work for the development with the Environmental Health officers of the LPA prior to commencement of the development.

3.16 Rochford District Council Engineers

3.16.1 The proposed development is adjacent to a designated main river section of open ditch and potential flood risk area. On site surface water retention may be necessary.

3.17 Response to Neighbour Notification

3.17.1 22 Letters and one unaddressed e-mail have been received from the following addresses:

Ashcombe Close, Leigh –on Sea: 17(two letters)

Arqiva, Warwickshire

Aldermans Hill: 29

Boston Avenue : 11 Newport Court

Deepdale (Thundersley): 14

Elm Close (Shoeburyness):15

Eversley Road (Benfleet) : 81, 87

Grosvenor Road: 12

Hackamore (Benfleet): 22
Highfield Grove (Westcliff): 17
Kents Hill Road(Benfleet) :477
Main Road (Woodham Ferrers): “Teglan”
May Avenue (Canvey Island): 43
Moreland Close(Benfleet): 5
Raphael Drive (Shoeburyness): 63 (two letters)
The Crescent (Hadleigh):37
The Drive: 53
Woodside Chase: 11
Woodstock Crescent:10
Weston Homes PLC.

3.17.2 And which in the main make the following comments and objections:-

- Rayleigh London Road is already extremely busy road and having loads more extra traffic will cause substantial effect.
- It will mean more overcrowding to local schools.
- There is a poor bus service already which needs improvement in our area.
- Can our infrastructure cope with this extra amount?
- Arqiva owns the electronic communications mast and associated apparatus that sits within the site and which will be retained as part of the re-development proposals. We request, however, that a condition be imposed withdrawing any permitted development rights, which could otherwise lead to alterations that might breach the exclusion zone.
- There is a need for a drop zone of half the height of the tower, i.e., 12.5 metres for health and safety reasons to avoid injury in the event of anything being dropped whilst the mast is undergoing maintenance or repairs. This will extend into garden areas and car parking spaces under the current layout. The letter from Ardent dated 12 September 2011 suggests the emphasis is on Arqiva to warn and make local residents aware of any proposed works. We have advised Ardent that we consider this also to be a management issue, bearing in mind that some works may have to be carried out in an emergency, i.e., Arqiva must be given details of all potentially affected residents, contact numbers, etc., and the developers

must ensure their reasonable co-operation, bearing in mind that cars may have to be moved, garden areas vacated, children kept inside, etc. We therefore request a condition requiring the agreement of a management arrangement to deal with this issue to be agreed with the Local Planning Authority in consultation with Arqiva.

- Provided the height of the development and any landscaping is confined to 10 metres we have no issue. We request, however, that conditions be imposed withdrawing any permitted development rights, which could otherwise lead to alterations that might exceed this height and to prevent any planting that might exceed this height.
- We suggest that acoustic fencing would be desirable to avoid potential nuisance to residential occupiers. We request this be controlled by way of condition.
- We have suggested netting or fencing be erected around our site to prevent balls etc. being kicked into the site, which could lead to children attempting to breach our security and thereby enter into a potentially hazardous compound. We request this also be required and controlled by way of condition.
- We have set out various access requirements, although these should be protected by way of lease grant in any event.
- We are members of Mount Carmel Messianic Congregation for Jews and Christians to worship and study together that meet regularly in buildings on this site (entrance via Cheapside West). It is regrettable that there has not been any communication sent to Mount Carmel regarding the proposed developments on E-on's former site, resulting in it being impossible for any representation at public meetings held.
- There are two buildings with good parking and large lock-up gates. In this day and age it is not unknown for places of worship (of any faith) to be vandalised and, in some areas, for worshippers to feel uncomfortable and not entirely safe. Mount Carmel is in a secure neighbourhood and having its own off-street parking is a bonus. The congregation is growing and people from various backgrounds and churches attend Mount Carmel for the teaching, ethics and principles it expounds. Here we have a community of people who hold out the hand of welcome and friendship to anyone who wishes to join for study/worship. It is not too late for the eviction to be reconsidered and for Bellway Homes to review their plans.
- There is no other Messianic Fellowship in the area - I believe the nearest is in Ilford, Colchester and Ely.
- The application by Bellway Homes refers to the whole area as being a brown field site and makes no mention of the buildings that are designated

D1.

- We hold mid-week evening meetings for more teaching, fellowship and youth activities. During the week day we gather for general cleaning of the facilities as well as for more teaching and fellowship. Much expansion of the work was being planned for the surrounding community to help those shut in, alone, etc., with coffee mornings, improving computer skills, language study and for the youth table tennis and other activities. Then we heard that E-on was closing and the news that the site was being sold. The day nursery had been operating on the site for over 20 years. For many years we have met at 71 Cheapside West, Rayleigh now under consideration for housing development by Bellway Homes who are negotiating with the Rochford District Council.
- A few months ago I telephoned Bellway Homes about this venture and was told that someone would ring me back, which didn't happen. I then telephoned the Rochford Council to speak to anyone that could possibly help. Although I had a cordial conversation with a receptionist, it was basically suggested to me to go around the Rayleigh area and look for places we might be able to meet at. We have done so but without any success. In the meantime, it has come to our attention that there have been some meetings with Bellway Homes, the Council and our neighbours that we were not privy to even though we are the only sitting tenants on the site.
- The three buildings on the land that we rent are individually registered as places for religious worship (Number on Register: 82574, 82566, and 82405). Recently David Cameron spoke out to defend the 'values and moral code' of the Bible.
- We, too, are concerned as Mr. Cameron and are trying to do what we can to help. We seek for peace to dwell in every individual, family and the nation. We know that there is much pressure, even now into the green land, to build homes. We are not opposed to building homes, but as a congregation we have been left homeless.
- We have been unable to find alternative premises for this thriving church. We know of no other fellowship which meet these particular needs, i.e., a Messianic fellowship.
- Mt. Carmel is in a lovely position easily accessible via the A127, M25 and A12 as we receive very many interested visitors not to mention guest speakers.
- We read anti-semitism is gaining popularity once more and we feel Mt. Carmel is situated in a very safe and secure position. We implore you all to re-consider the plans and allow this flourishing congregation to remain on site.

- It is a place where the Jewish orthodox community feel comfortable in, and at this time there are very few places where the Jewish orthodox can feel at ease outside of their own community. The buildings that Mount Carmel use have been a community facility for over 20 years and the land they stand on is registered for D1 use, not housing, and looking at the proposed site plan Bellway show access on to the development in the north east corner, and it seem's to me that they don't own the small section of access road off of Cheapside West. My wife and I would like to continue to meet and worship on this site long in the future.
- We also understand that Councillors were invited to view the site, but did not come to our area, where they would have been given an opportunity to appreciate that we have a vibrant congregation that really values and appreciates our present location. We are now facing the prospect of having to vacate these premises with nowhere to re-locate.
- Around 80+ people attend each Saturday with other regular mid week meetings. We understand that D1 usage was given to our part of the site temporarily in 1991 for 2 years and then granted permanent usage after that. As you are aware the main part of the site is industrial use. It would be most helpful for the Mount Carmel Congregation representatives to be given an opportunity to discuss the possibilities of remaining in the current buildings.
- The history of the previous developers who built close by, argued a case for not having to provide community facilities due to the buildings we currently use. It is therefore hoped that due consideration be given to our continued use of this site.
- Our desire is to remain on our current site and of course to maintain the greatly appreciated provision of the community services which our site currently provides. And as it is difficult to explain in a letter what our facilities mean to the people who use them we would welcome the opportunity of giving you a guided tour of our site, together with a face to face explanation of who we are.
- As a Christian Fellowship whose building has been registered by Rochford District Council as a place worship I am concerned to learn only a few days ago that our fellowship was neither invited or informed by Bellways or Rochford District Council of any public meetings concerning the re-development of our small corner of the overall site; for which we pay a monthly rent together with the fact that the site on which we meet has been registered for D1 use for many years now, as your records will surely show.
- It is with great sadness for all the men, women, and children who attend Mt. Carmel's congregation (anything up to 80 plus over the course of a week) to think that this site, so convenient placed, will be lost to so many; especially .

- when only last week our present Prime Minister spoke so eloquently on the need in today's society to teach our children Christian values.
- I object to planning in that it would cause great problems and distress as at this point in time they have nowhere else to meet and in view that they have not been able to be represented at any of the public meetings.
- The access they are talking about in Cheapside West is just ridiculous; this road cannot cope with the amount of traffic that it currently serves. It is a dangerous road as children are constantly playing out the front of their houses.
- I noted that from some of the documentation attached to this proposal that they talk about bus services. Before I drove I used the local bus, we were served by the number 25 twice hourly and the number 24 once hourly. The 24 was diverted and went to Asda in Rawreth Lane, and has now ceased. The other services they talk about: 201, 250, 2, 6, 680 I have never seen in the 9 years I have lived here in Grosvenor Road. The number 825 only runs during school times (AM/PM) and the 11a runs on a Sunday once an hour.
- I also feel very let down by the Council that you did not write to consult with neighbouring areas as far as Grosvenor Road, if it was not for the letter we received in October 2011 from Bellway Homes inviting to us to see what they were proposing, it would have been too late for our opinions to be counted.
- Valuable asset to the local community which will be lost.
- The application has a significant length of boundary to the Green Belt west of Rayleigh identified in Policy H2 to the council's adopted Core Strategy for the provision of 550 dwellings and which requires comprehensive planning and the provision of infrastructure.
- There is no specific allocation as yet nevertheless the E-on site presents an opportunity to provide for an adequate road to serve the future land release. It would be inappropriate to serve the same land through the release of land to the adjoining site of Timber Grove, which has width constraints and junction / visibility constraints, protected and other trees and could not accommodate a bus route or traffic to serve 550 dwellings.
- Even if the appeal is allowed for the recently refused replacement care home along with enabling housing scheme, the resultant access would not be able to accommodate either a bus route or the traffic associated with the 550 dwellings.
- There is no obligation on the owners of Timber Grove to demolish the home and if it remains there would be no room to construct a 6.7m wide road through its grounds. The council could not have therefore contemplated the

Timber Grove access as the location of the London Road end of this link.

- The obvious location for the link is through the E-on site using the existing junction which served a massive office and, car park and depot.
- The road can be designed into the scheme so as to protect the amenity of residents and ensure a positive townscape impact.
- Essential therefore that the proposed spine road through the E-on site is 6.7m wide and extends to the north eastern boundary with no ransom strip and to fully connect with the Timber Grove site and land beyond.
- The application proposes a pedestrian/cycle link to an inappropriate location with the adjoining Weston Homes scheme through a group of preserved trees and running against a gable end wall where surveillance is likely to be poor.
- Latest proposals for the adjoining land by Weston Homes show a link avoiding the trees and which can be met with modest adjustment and contend that the Bellway scheme should be amended accordingly.
- Layout poor in that there is a lack of a gateway feature to the entrance from London Road.
- Lack of focal points, vistas and buildings enclosing or framing spaces progressively through the layout.
- Poor relationship of dwellings to their respective streets with a lack of unity and continuity of frontages but instead relentless lengths of the same house type being monotonous and repetitive with no variety of space.
- Too many flank walls and fences presented to the streets.
- In a number of areas parking is poorly related to the dwellings and rear gardens with a lack of surveillance.
- Access to parking and parking courts is poor, leading to lack of adequate forward visibility.
- Roads and cars will dominate the spaces and appearance of the streets.
- No clearly defined route for car free pedestrian/cycle movement through the site.
- There is a loss of landscape opportunity to most of the road frontages and along the waterway.

- Excessive proximity of building structures to trees will lead to later pressure for tree removal or pruning due to effect on daylighting and overshadowing of buildings and gardens.
- Overall design of buildings lacks imagination as aesthetically most of the buildings are the same.
- No symmetry, hierarchy or composition to the elevations due to casual arrangement of openings creating an uncomfortable relationship of windows and doors.
- Even if the entire scheme were to be considered appropriate from the design palette, it should incorporate variety through massing proportions, window styles and proportions , roof pitches and orientation and changes to ridge and eaves to introduce articulation.
- Generally believe that the layout, landscaping and in terms of relationship to the waterway and design of the proposed dwellings does not conform to the Essex Design Guide requirements and fails LDF policy CP1. As a result the quality of the scheme falls short of what should be achieved as an early stage of the urban extension of Rayleigh.

3.17.3 8 letters including five unaddressed e-mails have been received from the following addresses:-

Cheapside West:57

Grosvenor Road: 73

London Road: “Grange Villa”

3.17.4 These, in the main,make the following comments in support of the application:-

- I am supportive of these proposed plans and would certainly look to move into one of these new homes.
- The benefit to me personally would be move my family of 4 into affordable housing via part-exchanging my current property which I have to let out as it is too small for 4 of us to live in.
- I am encouraged by the proposal for the new homes which allows for suitable green areas and a nice environment.
- At the moment the site is an eye sore and waste of good land.
- Will bring people to the area and aid the local economy.

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- The current E-on site is an eyesore and will only get worse, of all the interested parties and schemes put forward Bellway Homes was perhaps the most sensible and the sooner they can commence work the better, however I do have two points to make 1) Thought needs to be given to traffic speed (currently 30 mph) on London Road already too high and another access point onto the road will make this worse. 2) This end of London Road badly needs a crossing of some sort in conjunction with the above. I am fearful that the increased pedestrian activity that this development will surely bring will end up with a serious accident on London Road. This is the time to address these issues. In summary great scheme local homes for local people who will support local business in the area but please sort out London Road as a priority on the back of this application.
 - Residential use more in keeping with the area.
 - Proposed layout has a good mix of properties suitable for this area.
 - Would look to move into affordable housing by part exchanging current property which is too small for us.
 - Encouraged by new homes allowing suitable green areas and nice environment.
 - As residents of Cheapside West we appreciate the effort Bellway have made in keeping us informed.
 - Housing seems to be an appropriate use for the site and we wish it speedy progress through the relevant planning procedures.
 - Understand that there is to be an increase in the social housing adjacent the Electricity Board site, but have not benefited from any information sharing initiatives! Could you advise us where these proposals and plans can be found so that we might be better informed.
 - Similarly, we saw on the Bellway plans, that housing is shown to the north of the Electricity Board site. Again we would appreciate any pointers as to where we may view these proposals.
 - As a proportion of the Bellway development is to face and exit onto Cheapside West, and as the clients destined for the Social Housing are all likely to have motor transport, not to mention access to the homes to the North of Bellway. Could you point me to the results of the impact assessment done on the increased traffic that will fall upon Cheapside West and Victoria Avenue.
 - Will make use of the old building and brownfield site and provide two bedroom homes (affordable hopefully).
 - Applicants have a good reputation and lovely selection of homes.

4 MATERIAL PLANNING CONSIDERATIONS

Principle of the Development

- 4.1 The site is within an area allocated existing residential development in the Council's saved Local Plan (2006). The area immediately to the north west of the site is currently allocated Metropolitan Green Belt but could be part of a future allocation for the extension of the residential envelope north of London Road beyond 2015 as identified in Policy H2 to the Council's adopted Core Strategy (December 2011). This future allocation is required to contribute to new infrastructure and services to accompany the residential development including, amongst other things, a link between London Road and Rawreth Lane. The Core Strategy sets out the general location for development, but the specific site allocation is yet to be agreed.
- 4.2 The site of the current application represents a re-development of previously developed and redundant land in accordance with Policy HP1 of the Council's saved Local Plan (2006) and Policy H1 to the Council's adopted Core Strategy (2011). The principle of the re-development of this site therefore generally accords with the development plan. The site is not part of the future release of land to be considered and the site does not therefore attract the infrastructure requirements that such a release would demand as set out at Appendix H1 to the Adopted Core Strategy (2011).

Affordable Housing

- 4.3 Policy H4 to the to the Council's adopted Core Strategy (2011) states that at least 35% of dwellings in developments of 15 or more dwellings on sites of greater than 0.5ha shall be affordable. The policy indicates that these dwellings shall be tenure-blind and well integrated into the layout such that they are spread throughout the layout on larger schemes, whilst having regard to the management requirements of registered social landlords. The policy goes on to state that the requirement may be relaxed where constraints make on site provision impossible or where the developer is able to demonstrate that 35% provision will be economically unviable, rendering the site undeliverable. In such cases the council will negotiate a proportion of affordable housing based upon the economic viability calculations.
- 4.4 The layout would group the affordable housing in the north west corner of the site. The blend of materials used in the external finishes would be the same as for the private housing also forming part of the development. The house designs are indistinguishable from the house designs of the private sale housing and share all the design features and characteristics of the development throughout. Whilst Core Strategy Policy H4 and the Essex Design Guide would favour "pepper potting" this would, however present operational difficulties. The applicants advise that the position of the affordable housing has taken into account the operational requirements of Sanctuary Housing, the preferred bidder. On balance, given the relatively small number of dwellings and the lack of any discernable contrast in the

design between the affordable and private sale homes, officers consider the close grouping can be accepted.

- 4.5 The applicant's own viability assessment (based upon the application for 103 dwellings as originally submitted) calculates the scheme can deliver 25% affordable housing. The report argues that the Council's policy on affordable housing seeks to provide 15% (Policy HP 8 to the Council's saved Local Plan). This would require 16 no. affordable dwellings.
- 4.6 The applicant's viability assessment argues that 25% affordable housing is reasonable given the viability assessment they have carried out, and that provision is in excess of the 15% required by Council policy. The originally submitted layout proposed 25% affordable housing with a tenure split of 80% affordable rent (comprising 10 no. two-bedroomed flats, 4 no. two-bedroomed houses and 7 no. three-bedroomed houses) and 20% shared ownership (comprising 2 no. two-bedroomed houses and 3 no. three-bedroomed houses) and a developer profit of 15% (set against normal market conditions of a developer profit of 20 – 25%). The applicants also advise that they have an offer from the Sanctuary Housing Group for the affordable units stipulated.
- 4.7 The application, as revised, results in the loss of 1 no. two-bedroomed house from the affordable offer. It is not clear if this loss affects the dwellings available for affordable rent or shared ownership. The total number of affordable dwellings now proposed equates to 25 dwellings.
- 4.8 At the time of the submission of the application the Council's Core Strategy had been approved (December 2011), but had been at an advanced stage during the pre-application discussions such that officers had argued for 35% affordable provision, subject to viability testing. In any event, regardless of the suggestion by the applicant that the application should be assessed against the provisions of the old Local Plan, Core Strategy Policy H4 is now the policy against which the provision of affordable housing for this scheme should be determined.
- 4.9 The Council has had the applicant's viability assessment independently assessed. The draft conclusions, which are based on the application as originally submitted for 103 units including 26 no. affordable dwellings, allow for a developer profit of 17.5%, slightly greater than the 15% normally considered acceptable.
- 4.10 With regard to land valuations (a key component of the viability test), the independent assessor understands that the applicant purchased the site in competition at greater than the market value, but advises that recent appeal decisions make it quite clear that viability assessments should in most cases be based upon current land values and costs and that the actual purchase price should be ignored, with the residual land value (the amount that determines the quantum of affordable housing) being compared to the current market value of the site.

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- 4.11 Furthermore, the independent assessor is of the opinion that the residual value has been calculated by the applicants on the basis of 25% affordable housing provision, whereas the valuation should have taken into account the policy requirement of 35%, which would have resulted in a lower residual value for the site. As such, the market value for the site for viability purposes should be based upon a policy compliant development and the independent assessor concludes that the Council seek the full 35% allocation of affordable housing for this site.
- 4.12 Policy H4 to the Council's adopted Core Strategy argues that affordable housing provision may be relaxed where the developer is able to demonstrate that 35% provision will not be economically viable. In this instance, as explained, the developer has paid more than the market value for the site, though has offered to write off a little more than £500,000 from the amount paid. This reduced amount is still, though, substantially greater than the value calculated by the Council's independent assessor.
- 4.13 If Members choose to give weight to the fact that the applicant has paid too much for the site and given that the applicant has an offer from a social provider, the Council would have to accept in principle less affordable housing on this site. Officers take the view that no evidence has been provided by the applicant to justify a lower provision for affordable housing, given the independent consultant's assessment of viability, and that to accept the applicant's offer of 25% would effectively be a reward for paying too much for the land in the first instance.
- 4.14 Officers have been in further discussion with the applicant in view of the assessor's findings. Ordinarily, the draft independent assessor's conclusion would form the basis of an exchange of information for a final conclusion to be reached and perhaps an agreed position between the two parties. However, the applicant is eager for the application to be reported to Members for a decision. The difference between the applicant's position and that of the independent assessor, as explained, largely relates to the assessment of fair land value. Rather than see the application fail on this point or stall for further discussions, the applicant has agreed to an in principle provision of 35% affordable housing as per policy, but subject to further discussions on viability. On this basis the applicant proposes this arrangement be included amongst the requirements for the legal agreement at present being drafted.
- 4.15 The further work on the viability issue will either confirm 35% affordable housing can be delivered or a lower amount (but not less than 25%) yet to be determined. Officers conclude that the application can be recommended favourably, subject to the legal agreement specifying that the starting point for the provision of affordable housing is 35%, as per Policy H4, but that no development can commence on the site until a further assessment of viability has been completed and agreed. If agreement is not reached between the two parties on this issue, then the legal agreement will provide for a dispute resolution arbitration process. Members will need to consider whether this approach is acceptable since this would effectively mean delegating the final

decision on viability to the Head of Service, though it can be anticipated the final figure for affordable housing will be between 25 and 35%, with 25% being the absolute lower limit of provision.

Highway Issues

- 4.16 The site is within a sustainable location being close to schools and local services and a short distance from Rayleigh mainline railway station and connection to Rayleigh town centre by a short bus journey.
- 4.17 Thirteen units would be accessed from Cheapside West with the remaining eighty eight units accessed from the estate road making a junction with London Road. There would be no through vehicular link with only pedestrian and cycle access over the proposed bridge to achieve permeability between the site and existing residential areas to the north and east of the site.
- 4.18 The traffic impact assessment accompanying the application has made comparison with the authorised use of the site for commercial purposes and calculates a decrease of 84 two-way vehicle trips during the AM peak period and a decrease of 58 two-way trips in the PM peak period and based around an assessment of year 2016 in accordance with PICADY national traffic assessment guidance. The junction is expected to perform well within its capacity within the assessment period with the expectation of minimal queuing and delays.
- 4.19 The highway layout has been designed with consideration given to the Essex Design Guide and the Manual for Streets with emphasis on reducing car dominance and keeping traffic speeds within a target of 20 mph. To this end the first 45m of the main access road will be a type 3 feeder road with a carriageway of 5.5m and 2m wide footways to each side. Beyond this point the road reduces to a type 4 minor access road to a width of 4.8m with type 6 minor accesses (5.8m wide) and shared private drives 4.1m wide.
- 4.20 The proposed layout would provide car parking spaces and garages in accordance with the Council's preferred standards. The layout utilises garages and car ports, together with car parking spaces.
- 4.21 Officers calculate, however, that the number of visitor spaces is slightly short, requiring a further 1.25 visitor spaces (2 spaces). These could be provided alongside the central public open space area to the front of plots 72-74 by way of a condition to the grant of permission.
- 4.22 The County Highway Authority accepts the findings of the transport assessment and has no objections to raise, subject to a number of conditions and that the applicant provides a financial contribution of £25,000 towards infrastructure improvements at the bus stops along London Road in the vicinity of the site to provide, where required, enhancements to include improved passenger waiting facilities. This matter would need to be the

subject of a legal agreement with the applicant before the planning permission could be issued.

Layout and Design Considerations

- 4.23 The development layout would achieve a density of 30.2 dpha (12.3 dwellings per acre).
- 4.24 The layout was revised on 2 May 2012 to improve the townscape by:-
- swapping plots 1 and 2;
 - re-modelling the layout in the vicinity of the open drain and water front, reducing the extensive car parking area and enhancing the green space on the recommendations of the county urban design team;
 - re-modelling the flats building to plots 39 – 42; and
 - a central landscaped area to the front of plot 94 to give a central axis to the street view.
- 4.25 This revision has been the subject of a further round of select consultation and re-notification with neighbours.
- 4.26 The layout was further revised on 18 May to resolve outstanding garden areas. The proposed layout now achieves the required garden areas for all the units proposed. The layout provides the side isolation spaces between the dwellings, as required in the Council's supplementary guidance.
- 4.27 The composition of dwellings features three character areas firstly fronting the London Road and the built frontage, the middle part of the site fronting in part the open space green square and the back of the site fronting the open water course.
- 4.28 The frontage to London Road and area fronting the green would feature 2 ½ storey detached house types, creating a more formal appearance.
- 4.29 The middle part of the site would feature a different character style dependant upon linked and terraced house types with a central loop in the access road containing outward looking combinations of dwellings framed by the highway. These dwellings would take a two-storey form.
- 4.30 The rear part of the site would be served from the extension of the access road and the extension of Cheapside West. The house types would feature the apartments and groups of terraces and semi detached housing for affordable tenure located together to the northwest of the site. The houses to this part of the site would also take two-storey form. This area would also feature two pedestrian cycle links to the adjoining land to the west currently allocated Metropolitan Green Belt, but providing future connectivity to this adjoining land and any future re-development.

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- 4.31 The residential character of the adjoining areas reflects the styles of the time period during which they were constructed and reflecting fashions, as well as planning policies of the day. The applicant's design approach has been to reflect that process by way of the development to which this application relates, opening a further chapter in the evolution of the townscape.
- 4.32 The materials used would comprise white upvc windows and timber hardwood black painted doors. The character areas would be reinforced by a composition of walling to feature monocouche cream coloured render, together with red and buff facing bricks. The roof covering would comprise combinations of slate and red plain tiles.
- 4.33 The application features two points to the western boundary of the site where the proposed layout would make a connection with land further to the west and the possible subject of future allocations. Both points would adjoin an area currently allocated Metropolitan Green Belt, the most northern connection point adjoins land yet to be included in any application. The southern point, however, seeks to make a connection with land included within more recent applications for the re-development of the Timber Grove care home. This connection would not meet the link shown to the more recent layout submitted by the adjoining applicants despite officers advising both applicants of the need to agree a mutual connection. However, whilst officers were critical of the adjoining scheme for Timber Grove which previously showed no connection at all, the scheme to which this application relates for the former E-on site does make such provision and does not therefore attract the strong criticism directed at the neighbouring application site.
- 4.34 The applicants advise in the application particulars that the houses are each designed to the full Joseph Rowntree Foundation life time homes standard in that, amongst other things, entry level contains a living room and room for a bed space to be formed at ground level for those residents that may be unable to use stairs. Each dwelling is capable of a retro fit stair lift or internal lift being fitted between floors. In this way the proposal satisfies policy H6 to the Council's adopted Core Strategy.
- 4.35 The application details demonstrate that only a nominal amount of surface water attenuation is required for this site to satisfy against the risk of flooding. This is to be achieved by the use of over size pipes and underground attenuation tanks. The Environment Agency accepts the findings of the flood risk assessment and that there would not be an increased risk of flooding to conflict with Policy ENV 4 to the Council's adopted Core Strategy.

Protected Species and Ecology Issues

- 4.36 The application is accompanied by an ecological assessment of the site, which concludes that, given the extensive hard standing, the most part of the site has low ecological value. The survey highlights that the main area of value is the water course and adjoining scrub, grassland and woodland area to the north of the site.

- 4.37 The application is also accompanied by a reptile survey, which revealed a good population of slow worms. The survey anticipates increased predation of the slow worm population in that the presence of homes will increase the number of cats and therefore translocation is recommended and to a new site managed specifically to benefit wildlife at Stow Maries airfield. This location has a recently constructed large scale reptile hibernacula, together with management of the surrounding landscape for the benefit of reptiles.
- 4.38 The Council's consultant ecologist supports the translocation of slow worms and proposes this can be secured by a condition to the grant of planning permission.
- 4.39 Following representations received to an application submitted to the site of Pearsons Farm to the east of this site, the applicant has undertaken further survey work to determine the presence of great crested newts. No newts were found on the site and further identified that barrier features present were likely to prevent movement of newts onto the site. Furthermore, the stream on the site was found to contain small fish that would be likely to eat the newt eggs, thus preventing the location from establishing as a breeding area for newts.
- 4.40 The application is accompanied by a bat survey of the site and buildings. Both common and soprano pipistrelle bats were recorded on the site with activity concentrated on woodland to the west. No bat roosts were recorded on the site. The proposed development is considered to have a possible impact upon bats in terms of loss of foraging habitat and prospective roosting opportunities.
- 4.41 The bat survey recommends works to remove western boundary trees and the willow adjacent the stream be undertaken during April or mid–September to October and under the close supervision of a licensed bat ecologist. A soft fell approach should be taken to tree or branch removal, removing small sections at a time and leaving felled branches and trees in situ for 24 hours to allow bats to leave of their own accord. There should also be limits to the external lighting in the vicinity of the western boundary. Such lighting should be located below 3m in height with shields and cowls to direct light downwards so as not to spill into adjacent woodland. These recommendations can be the subject of a condition to the grant of consent requiring the development to be implemented in accordance with these recommendations.

Preserved Trees

- 4.42 The application is accompanied by an arboricultural impact assessment, which concludes that only trees of low value or that will not be visible from the public street will be lost. Provided precautions are taken to protect the retained trees the development is described to have no significant impact on the trees or their wider contribution to amenity and character.

- 4.43 The Council's consultant arboriculturalist concurs with the report findings, subject to a condition to the grant of consent to secure the recommended tree protection measures.

Church Issue and Community Facilities

- 4.44 The representations received express concern at the loss of the site and buildings comprising the nursery school located at the north eastern corner of the site and accessed from Cheapside West. The use as a nursery school was granted permission under application reference F/0301/94/ROC and whilst the use as a church meeting place would fall within the same use class normally permitted, condition 5 of this particular consent limits the use to that as a children's nursery and does not permit the use of the premises for any other purpose, including other purposes normally benefiting from the same use class. As such, the use of the nursery for church meetings has been in breach of that consent.
- 4.45 Officers have viewed the records of the planning permissions granted for neighbouring residential development to the north of the site and fronting Grosvenor Road. The recorded files are condensed for record purposes comprising the relevant plans, application details and decision notices. From the information available, it is not revealed that the existing nursery school was relied upon for community provision and that, as such, the permission for that development was not dependant upon the nursery being retained.
- 4.46 The site is near to the shopping parades that front London Road within walking distance to the east of the site. The development of the site for additional homes will be served by these local shops and in turn, the purchasing habits of the residents to this scheme will input into this local parade and local economy. As such, officers consider it unnecessary for this development to provide replacement or new community facilities.

Telecommunications Antenna Safeguards

- 4.47 The operator for the telecommunications mast retained in the site layout, whilst not objecting to the development, does, however, make a number of requests for additional planning controls within the vicinity of the mast through removal of permitted development rights to suit their operational needs. Whilst there would be some justification for the management plan to alert residents to the need for co-operation in event of emergencies, the request for the removal of permitted development rights has no public benefit as such and instead would provide the operator with a means of utilising the planning process as a constraint upon the adjoining development aspirations normal to householders specific to the benefit of the mast operator. Officers advise Members to resist the approach to remove permitted development rights for this reason, but to support the provision of a future management plan and awareness for future residents to properties in the vicinity of the mast, which can be secured by a condition to the grant of permission.

5 CONCLUSION

- 5.1 The proposal would re-develop previously developed land in accordance with current policy and good planning. The development is of a design and layout that would achieve a good standard of design and place in a sustainable location.

6 RECOMMENDATION

- 6.1 Subject to the receipt of revised plans to address the garden area shortfalls set out above, the **RECOMMENDATION** is **APPROVAL**, subject to the applicants entering into a legal agreement under Section 106 of the act to achieve the following heads of terms:-
- A) A Contribution of £25,000 towards infrastructural improvements at the bus stops along London Road in the vicinity of the site to provide, where required, enhancements to include improved passenger waiting facilities to the existing infrastructure.
 - B) Provision of 35% affordable housing, subject to viability testing, but not less than 25% of the units to be affordable. Such viability testing to be undertaken and the provision of affordable housing agreed by the Local Planning Authority prior to the commencement of the development.
 - C) Contribution to Primary Healthcare of £67,367 equivalent to £667 per unit for the development/upgrading of primary care facilities in the area as a result of the increased population.

And to the following heads of conditions:-

- 1) SC4B – Time limits standard.
- 2) An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:-
 - (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
 - (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

- (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and the Essex Contaminated Land Consortium's '*Land Affected by Contamination: Technical Guidance for Applicants and Developers*'.

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

- 3) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.
- 4) Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
- 5) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 2 "Site Characterisation", and where remediation is necessary, a remediation scheme must be prepared in accordance with the requirements of condition 3 "Submission of Remediation Scheme", which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority,

in accordance with condition 4 “Implementation of Approved Remediation Scheme”.

- 6) The renewable energy measures for any individual dwelling shall be fully installed and operational prior to the occupation of the dwelling.
- 7) A scheme of measures to control dust during the construction phase of the development shall be submitted to and agreed in writing by the LPA prior to the commencement of the development. The scheme shall then be fully implemented throughout the construction phase of the development.
- 8) Following the demolition and site restoration works, no further development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the Local Planning Authority.
- 9) No dwelling shall be occupied until the works have been carried out in accordance with the surface water strategy forming part of the application, as approved in writing by the Local Planning Authority.
- 10) The development shall not commence until details have been submitted to the Local Planning Authority to show the reptile translocation site at Stow Maries and as identified in the supporting Reptile Survey Ref: DFC 1069 dated July 2011 accompanying the application hereby approved has been confirmed as to be ready for the receipt of species from the application site. No development shall commence until the applicants have undertaken the relocation of reptile species in accordance with the recommendations, as identified in the supporting Reptile Survey Ref: DFC 1069 dated July 2011 accompanying the application hereby approved.
- 11) The development shall be implemented in accordance within the advice and recommendations contained within the arboricultural impact assessment reference DFC 1069 revision A dated 8 November 2011 accompanying the application hereby approved.
- 12) Prior to occupation of the development, the road junction shall have been re-modelled with appropriate kerb radii and road markings. The junction shall be maintained with a clear to ground visibility splay with dimensions of 4.5 metres by 120 metres to both the east and west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.
- 13) Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

- 14) Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic, shall be identified clear of the highway, submitted and approved in writing by the Local Planning Authority.
- 15) Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 16) Prior to commencement of the proposed development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided at the commencement of the development and maintained during the period of construction
- 17) Prior to commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.
- 18) All independent paths to be a minimum of 2 metres wide, with details of lighting and drainage to be submitted to and approved in writing by the Local Planning Authority.
- 19) Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.
- 20) All parking shall conform to the Essex Planning Officers Association Parking Standards Design and Good Practice September 2009. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres. All single garages should have a minimum internal measurement of 7m x 3m.
- 21) Prior to occupation of the proposed development, the developer shall be responsible for the provision and implementation of a residential travel information pack for sustainable transport, approved by Essex County Council, to include 10 (Ten) All Essex scratch card tickets.
- 22) Notwithstanding the approved layout, details shall be submitted to the Local Planning Authority prior to the commencement of the development

for the provision of 2 No. (two) additional visitor parking spaces to be provided within the layout. The development shall be implemented in accordance with such details as may be agreed.

- 23) Prior to the commencement of the development the applicant shall submit to the Local Planning Authority details, including samples, of the external facing materials to be used in the development hereby approved. The development shall be implemented in accordance with such details as may be agreed.
- 24) Prior to the first occupation of the development the applicant shall submit to the Local Planning Authority detailed design, elevations and siting of the proposed fencing and means of enclosure to be used throughout the development. The development shall be implemented in accordance with such details as may be agreed.
- 25) The vehicular accesses hereby permitted shall not be used by vehicular traffic before sight splays measuring 1.5m x 1.5m, providing unobstructed visibility of pedestrians using the adjoining footway, have been provided at both sides of the accesses at their junction with the adjoining highway. Once provided, the said visibility splays shall be retained thereafter and maintained in their approved form free of obstruction above a height of 600mm above the finished surface of the approved vehicular accesses.
- 26) The development shall be implemented in accordance with the landscaping and planting scheme, as set out in the landscape strategy reference DFC 1069 dated 15 November 2011 accompanying the application, unless as otherwise agreed in writing by the Local Planning Authority. Any tree shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting shall be replaced by the applicant or their successor in title, with species of the same type, and size in the first available planting season following removal.
- 27) The garages shown on the approved layout Drawing No. BW 100-001 Revision Y shall be retained for the parking of vehicles and shall not be converted to habitable accommodation.
- 28) The development hereby permitted shall be implemented in accordance with the advice and recommendations set out in the accompanying bat survey reference DFC 1069 dated 26 July 2011, including the works to trees during April or mid-September to the end of October and the soft fell approach to tree and branch removal, the installation of bat boxes and bat bricks and bat tubes in the development. Details of external lighting in the vicinity of the western boundary of the site shall be located below 3m in height and with shields, hoods and cowls to ensure such light is directed to the ground and shall not spill into the adjacent woodland to the west of the site.

- 29) Prior to the first occupation of the development to plots 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62 the applicant shall undertake the preparation of a mast awareness management plan in conjunction with the mast operator Arqiva to highlight to residents of those dwellings the reasonable requirements of the telecommunications operator for emergency and routine maintenance. The management plan shall be provided to each household identified upon first occupation.
- 30) The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road) from the construction of such dwelling.
- 31) Condition to ensure the provision of the pedestrian cycle links to adjoining land, as shown.
- 32) Condition requiring the revision to the house types to plots 1, 14, 15, 19, 23, 24, 26, 27, 32, 34, 35, 38, 39, 40, 41, 42, 43, 46, 47, 51, 52, 55, 56, 62, 63, 91 and 97 identified to achieve improved window treatment to side elevations, as per recommendation from urban design.



Shaun Scrutton

Head of Planning and Transportation

Relevant Development Plan Policies and Proposals

H1, H5, H6, CP1, ENV 4 Rochford District Council Local Development Framework
Core Strategy Adopted Version December 2011

HP1, HP6, HP8 Rochford District Replacement Local Plan (2006) as saved by Direction of the Secretary of State for Communities and Local Government and dated 5th June 2009 in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004.

Standard C3 Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010

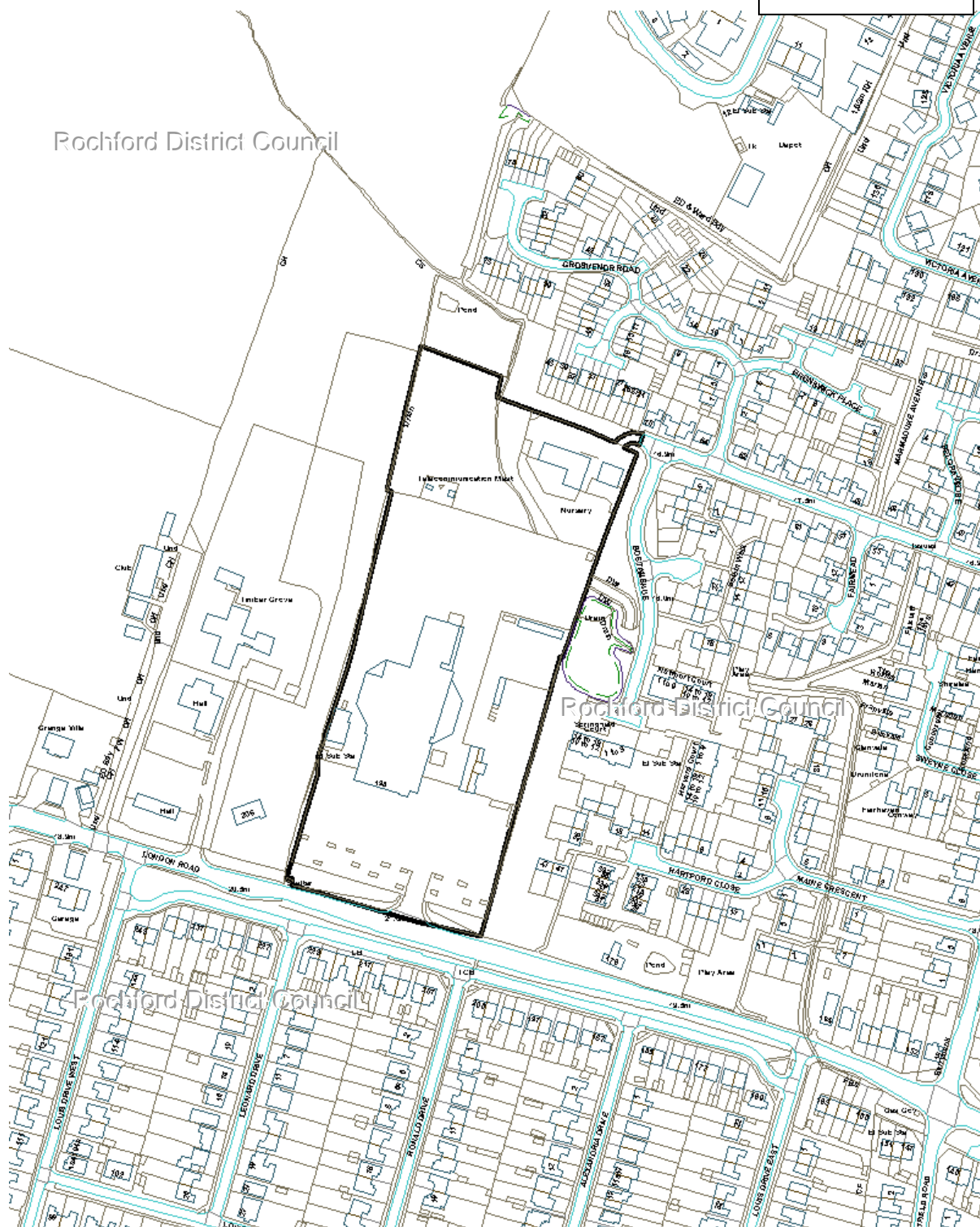
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